



2pw

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

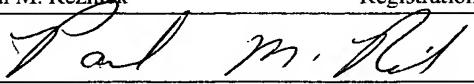
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/764,135
		Filing Date	January 23, 2004
		First Named Inventor	Yuji Tomiyama
		Art Unit	3618
		Examiner Name	Bridget D. Avery
Total Number of Pages in This Submission	3	Attorney Docket Number	0388-040112

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> <u>Reply/Amendment - Election with Traverse</u> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition for Extension of Time <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Postcard	
			<u>Remarks</u>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paul M. Reznick	Registration No. 33,059
Signature		
Date	April 6, 2006	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

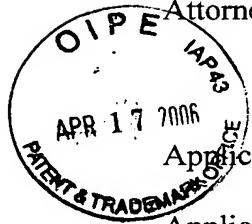
Typed or printed name	Helen Gerace		
Signat		Date	April 6, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

{W0260904.1}

Application No. 10/764,135
Paper Dated April 6, 2006
In response to USPTO correspondence of 03/07/06
Attorney Docket No. 388-040112



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/764,135
Applicants : Yuji TOMIYAMA et al.
Filed : January 23, 2004
Title : WORKING VEHICLE HAVING A HOOD
Confirmation No. : 6069
Group Art Unit : 3618
Examiner : Bridget D. Avery
Customer No. : 28289

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

ELECTION WITH TRAVERSE

Sir:

This is in response to the Office Action dated March 7, 2006 in which the Examiner has required an election under 35 U.S.C. § 121 to one of the following species of the claimed invention:

Species I - shown in Figs. 1-6 (relating to claims 1-3, 5 and 10-12);
Species II - shown in Figs. 11 and 12 (relating to claims 1, 5 and 6-12);
Species III - shown in Fig. 13 (relating to claims 1, 5 and 9-12); and
Species IV - shown in Fig. 14 (relating to claims 1, 5 and 9-12).

The Examiner has required that Applicants elect a single disclosed species for prosecution on the merits. Applicants hereby elect with traverse Species I, shown in Figs. 1-6, for the reasons set forth below. Claims 1-3, 5 and 10-12 are readable on elected Species I. Further, claims 1, 5 and 10-12 are generic to Species I-IV.

Applicants respectfully traverse the Species Election Requirement on the grounds that Species I-IV relating to claims 1-3, 5-7 and 9-12 will not broaden the search obligation. The

Application No. 10/764,135
Paper Dated April 6, 2006
In response to USPTO correspondence of 03/07/06
Attorney Docket No. 388-040112

claims represented by elected Species I (Figs. 1-6) also include the majority of claims readable on Species II-IV (Figs. 11-13). The relatively minor variations in only one component (i.e., the rectifier member disposed on each side-face grill portion with a vent as in Species II and IV, or without a vent as in Species I and III) would not broaden the search obligation and, therefore, would not impose a serious burden on the Examiner. Accordingly, withdrawal of the Species Election Requirement is respectfully requested. Furthermore, the Examiner has not indicated that the embodiment shown Fig. 15 (i.e., claims 4 and 8), which is a slight modification of the embodiment shown in Figs. 1-6 (Species I), is a patentably distinct species. Therefore, even if this traversal is unsuccessful, claims 4 and 8 directed to Fig. 15 should also be examined with the elected claims. In view of the above, claims 1-5 and 8-12 should at least be examined in a single application.

Applicants hereby reserve the right to prosecute non-elected claims 4 and 6-9 by way of a divisional application filed at a later time. Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this election.

Respectfully submitted,

THE WEBB LAW FIRM

By



Paul M. Reznick
Registration No. 33,059
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com